

JUN 1998

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In The Matter Of )  
 )  
Advanced Television Systems and ) **RM-9260**  
Their Impact upon the Existing )  
Television Broadcast Service )

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To The Commission:

**REPLY COMMENTS OF  
METRO DETROIT BROADCASTING CORPORATION**

**INTRODUCTION**

Metro Detroit Broadcasting Corporation ("Metro Detroit"), by its attorney, hereby submits its Reply Comments pursuant to the April 21, 1998 Public Notice issued by the Federal Communications Commission ("FCC") inviting comment on the Petition for Rule Making, RM-9260 filed by Community Broadcasters Association ("CBA").

In these Reply Comments, Metro Detroit, seeks to support CBA's call for relief for qualified low power television ("LPTV") stations providing substantial local programming service that face the increased threat of displacement as a result of the national transition to Digital Television ("DTV") service.<sup>1</sup> In fashioning the appropriate relief, Metro Detroit urges the FCC to take into consideration the fact that many LPTV stations in urban markets will be unable to take full advantage of the proposed "Class A" service. Moreover, Metro Detroit calls upon the FCC to provide urban LPTV stations with additional relief.

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<sup>1</sup> See CBA Petition for Rule Making at 1.

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## **I. BACKGROUND OF METRO DETROIT**

Metro Detroit is the general partner to Highland Park Broadcasting, L.P. ("HP Broadcasting"), which the FCC authorized to operate W68CH in Detroit, MI ("Channel 68"). Metro Detroit's principal stockholders are amongst the most experienced broadcasters in Detroit.<sup>2</sup> This company sprang from the demand of community programmers for outlets following CBS' acquisition of WGPR-TV in Detroit, the country's first full-power TV station with a majority Black ownership.

HP Broadcasting was formed by Metro Detroit in 1997 as a condition of the FCC's reinstatement of Channel 68's construction permit ("CP").<sup>3</sup> In the same year, the FCC, as directed by Congress, ordered HP Broadcasting (hereinafter "Metro Detroit"), along with other LPTV operators with stations using channels 60-69, to vacate their spectrum to enable it to be reallocated for two-way public safety communications.<sup>4</sup> The FCC provided Metro Detroit with some relief by permitting it to apply for a replacement channel within its current broadcasting market.<sup>5</sup> However, since many of the once-vacant channels have been allocated to Detroit's seven (7) full-power TV

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<sup>2</sup> Notably, Metro Detroit's President, R.J. Watkins is known throughout Detroit as the host of the popular programs, "Latenight Entertainment", a talk-show, and "The New Dance Show." Watkins, like many others in Detroit broadcasting, started their careers with WGPR-TV/AM.

<sup>3</sup> See *FCC Letter to William D. Silva, Esq.*, September 16, 1997. The basis of the FCC's action was its interest in avoiding the potential forfeiture of funds secured from the City of Highland Park, MI and used to construct the station *id.*

<sup>4</sup> See Report and Order, FCC 97-421.

<sup>5</sup> See *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, MM Docket No. 87-268.

stations for DTV service. the only channels available to Metro Detroit receive and/or cause interference to neighboring stations. Thus, Metro Detroit faces the prospect that it may not receive a replacement channel.<sup>6</sup> Moreover, even if the FCC grants Metro Detroit's requested replacement channel, the new station's coverage area will be significantly smaller than which Channel 68 currently possess.

## **II. THE BENEFIT OF "A CLASS" SERVICE TO THE PUBLIC INTEREST.**

The proposed A Class service would have significant benefit to the public interest as it would provide greater stability for LPTV stations, which are sources of unique community programming that the public has grown to appreciate. The significantly lower price of purchasing air-time on LPTV stations has created broadcasting opportunities for community programming that would otherwise fail to reach the audiences available via television service. As a result, the public has grown to recognize LPTV stations as a programming option which offers a unique community-oriented service.

Yet despite the value of LPTV programming, LPTV stations are always subject to displacement by any interfering full-power stations. As such, these outlets for unique and invaluable programming continuously face the risk of extinction. Thus, the operators of these stations have to contend with the possibility of losing millions of dollars invested into constructing and maintaining these stations.

The proposed rule making would provide greater stability to outlets of community

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<sup>6</sup> On May 29, 1998, Metro Detroit filed an Application for Displacement Relief (File Number \_\_\_\_\_). The approval of this application is dependent upon the FCC's grant of waivers of its interference rules *id.*

programming, by enabling LPTV stations to enjoy the same protection as afforded to full-power stations. With such stability, LPTV stations are likely to gain increased access to needed capital that was previously out-of-reach due to the risk of displacement. Such capital will provide LPTV stations with the opportunity to improve their programming, strengthen their signals, and increase their community service activities. All these efforts will likely enhance the public's appreciation for LPTV programming.

### **III. "CLASS A" SERVICE RULES SHOULD PROVIDE ADDITIONAL REMEDIES FOR DISPLACED LPTV STATIONS.**

The FCC should use the proposed "Class A" service rules as an opportunity to provide additional remedies for LPTV stations that may be displacement without receiving an equivalent replacement channel. As stated above, urban-based stations are significantly more likely to fall within this category given the number and signal strength of existing full-power stations. This congestion of broadcasting spectrum is compounded by the recent DTV allocations which nearly doubled the number of full-power stations. This situation is even exasperated by the numbers of LPTV stations that are seeking replacements after being displaced for public-safety land-mobile service.

Examples of additional remedies might include automatic waivers of the FCC's interference rules, waivers of the FCC's rules directing stations to vacate channels 60-69, and the qualification of LPTV stations for Class A service without requiring them to increase their operating power. In crafting such rules, the FCC could utilize some of the same qualification requirements proposed in CBA's rule making petition as a means for "...discourag[ing] applications by those not seriously

prepared to meet the obligations imposed on the new class of station.”<sup>7</sup> This additional relief will remove the possibility of urban LPTV programmers being disproportionately displaced.

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<sup>7</sup> CBA Petition for Rule Making at 2.

**V. CONCLUSION**

Metro Detroit urges the FCC to grant CBA's petition for rule making. By so doing, the FCC will serve the public interest by protecting outlets of unique community programming. In addition, this new FCC will demonstrate its appreciation for niche programming that commands neither the financial resources nor audience-size to gain access to full-power TV stations. Furthermore, by granting this rule making, the FCC will act to ensure that the technology developments of the 21st century does not unduly harm urban communities based merely upon their geographic location. Moreover, the FCC should resist any calls to postpone this proceeding until the DTV allocation requests of full-power TV stations have been completely accommodated. Immediate action on this matter is necessary to protect the hundreds of millions of dollars invested into constructing and maintaining many of the seven thousand eighty (7080) LPTV and Translator stations that face immediate or future displacement.

Respectfully submitted,

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